

# Federal Defenders OF NEW YORK, INC.

Southern District  
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May 1, 2021

## BY ECF

The Honorable Jesse M. Furman  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, NY 10007

RE: United States v. Michael Avenatti,  
**19 Cr. 374 (JMF)**

Dear Judge Furman:

I write pursuant to the Court's individual rules (Rule 10(C)) regarding the filing of redacted documents on CM/ECF. Tonight, the defense in the above-captioned case filed its omnibus pre-trial motion and seeks leave to keep Exhibits B, C, and F under seal. These exhibits contain sensitive information that is subject to the standing protective order governing the disclosure of confidential materials. Should the Court deny this application to keep the exhibits sealed in their entirety, the defense respectfully requests an opportunity to propose specific redactions for the Court's consideration.

The mere fact that the documents are subject to an agreement between the parties does not mean that they should be sealed given that they have now been filed in support of a motion and are presumably subject to the presumption in favor of public access to judicial documents. If either party believes that any of the documents should remain sealed in their entirety, that party shall file a letter brief addressing the basis for doing so by **May 7, 2021**; in the absence of such a letter brief, Defendant shall confer with the Government and, no later than **May 11, 2021**, propose specific redactions to the documents in accordance with the procedures set forth in the Court's Individual Rules and Practices. Any opposition to any

Cc: Government Counsel  
request to seal or redact, by the press or otherwise, shall be filed **within two business days**. The Clerk of Court is directed to terminate ECF No. 116. SO ORDERED.

Respectfully Submitted,



Robert M. Baum  
Tamara L. Giwa  
Andrew J. Dalack  
Assistant Federal Defenders

Counsel for Michael Avenatti



Jen O'Brien  
May 3, 2021